



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,420	02/02/2001	R. Steven Schultz	01153.0001U3	4087

23859 7590 07/24/2003

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/776,420

Applicant(s)
Schultz et al

Examiner
Daniel Felten

Art Unit
3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 30, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1
2 1. Receipt of the amendment filed April 30, 2003 amending claims 1, 6 and 11. Claims 1-
3 15 are pending in the application and are presented to be examined upon their merits.

Response to Arguments

4
5
6 2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in
7 view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

8
9
10 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
11 obviousness rejections set forth in this Office action:

12 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
13 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
14 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
15 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
16 manner in which the invention was made.

17
18 4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al
19 (Hereinafter, "Ray", US 6,067,529) in view of Pitroda (US 5,884,271).

20 **Regarding claims 1, 6 and 11:**

1 Ray discloses a method, system and computer system for collecting electronic receipts for
2 purchases

3 (a) conducting a sales transaction between a buyer and a seller (see Ray, col. 3, ll. 26+)

4 (b) generating an electronic receipt including information describing the purchase (see
5 Ray, Abstract) and

6 (c) transmitting the receipt via a computer network to a computing device operated by *or*
7 *on behalf* of the buyer, the buyer being presented via a user interface of the device with a
8 representation of the information describing the purchase (see Ray, col. 2, ll. 23-44);
9 and including information indicating completion of the transaction (see Ray, col. 3, ll.
10 26-40).

11 Ray's system stores transport addresses within the Gatekeeper device in order to provide
12 information related to customer receipts (see Ray, col. 4, ll. 14-40). However, Ray fails to
13 disclose storing in a centralized database ***accessible to the buyer*** a record of each receipt
14 generated for each transactions of the plurality of transactions. Pitroda discloses electronic
15 delivery of electronic receipts wherein electronic receipts are stored in a database and accessible
16 to the buyer (see Pitroda, col. 11, ll. 4-30; and col. 12, ll. 18-26).

17 Since Ray contemplates the use of credit cards/smart cards (see Ray, col. 3, ll. 26+), it
18 would have been obvious for an artisan of ordinary skill in the art at the time of the invention to
19 employ the aforementioned features disclosed in Pitroda, because an artisan at the time of the
20 invention of would have sought to use a database (and/or memory) to recall transactional

1 information as a means of security against fraudulent or accidental practices where the buyer
2 receives a purchased item either mistakenly or by trickery. Thus to employ the database (and/or
3 memory), as disclosed by Pitroda into the Ray system would have been an obvious expedient
4 well within the ordinary skill in the art.

5
6 **Regarding claims 2-5, 7-10 and 12-15:**

7
8 Ray in view of Pitroda discloses, as in claims 2, 7, and 12, generating aggregate
9 information in response to stored receipts; and providing the aggregate information to one of the
10 sellers (see Pitroda, col. 11, ll. 4-30).

11 claims 3-5, 8-10 and 13-15 disclose the receipt generator retrieving the *found*
12 records and transmitting representations of the *found* records to one of the buyers, adding
13 information to a found record, associating the added information with the found record in the
14 database, and downloading information in the found records to financial software as indications
15 of purchases (see Pitroda, col. 11, ll. 4-30).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor ***Vincent Millin*** whose telephone number is (703) 308-1065.

7. Response to this action should be mailed to:


Commissioner of Patents and Trademarks

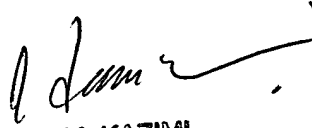
1 Washington, D.C. 20231

2
3 for formal communications intended for entry, or (703) 305-0040, for informal or draft
4 communications, please label "Proposed" or "Draft".

5 Communications via Internet e-mail regarding this application, other than those under 35
6 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
7 addressed to *[daniel.felten@uspto.gov]*.

8
9 All Internet e-mail communications will be made of record in the application file. PTO
10 employees do not engage in Internet communications where there exists a possibility that
11 sensitive information could be identified or exchanged unless the record includes a properly
12 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
13 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
14 Trademark on February 25, 1997 at 1 195 OG 89.

15
16 
17 **DSF**
18 **July 21, 2003**


HANI M. KAZIMI
PRIMARY EXAMINER